

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-4388-2023

Date of decision : 02.03.2023

Jaltius Hotels Private Limited

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.A.K.Vermani, Advocate for
Mr.Prateek Sodhi, Advocate
for the petitioner.

Mr.Ferry Sofat, Addl.A.G. Punjab
for respondent no.1.

Mr.Sanjeev Soni, Advocate
for respondents no.2 and 3.

VIKAS BAHL, J.(ORAL)

This is a civil writ petition under Article 226 of the Constitution of India for issuance of a writ in the nature of certiorari quashing notice dated 24.02.2023 (Annexure P-10).

Learned counsel for respondents no.2 and 3 has submitted that Annexure P-10 is only show cause notice issued to the petitioner and the Commissioner, after hearing the petitioner and considering the reply filed by the petitioner on 28.02.2023 (Annexure P-11), would pass an order under Section 269(1) and in case the petitioner is aggrieved against the said order, he has remedy of filing an appeal under Section 269(2). It is further submitted that the present petition is, thus, pre-mature.

Learned counsel for the petitioner, on the other hand, has

submitted that as it has happened on earlier occasions, the petitioner has an apprehension that the moment an adverse order would be passed, the demolition would also take place in pursuance of the same and they would have no time to seek their legal remedy, in accordance with law. It is further submitted that the petitioner also has an apprehension that even during the present proceedings, before passing of a final order, any adverse action might be taken against the petitioner.

Learned counsel for respondents no.2 and 3 has stated that the apprehensions of the petitioner are misplaced inasmuch as till the time the order is not passed under Section 269(1) by the Commissioner, no action, as envisaged in show cause notice dated 24.02.2023, would be passed and further, even in case an adverse order is passed under Section 269(1), the said order would not be implemented for a period of 10 days thereafter, so that the petitioner can seek their legal remedy, in accordance with law.

Learned counsel for the petitioner is satisfied by the aforesaid statements of respondents no.2 and 3 and , in view of the above, has submitted that the present petition be disposed of as having been rendered infructuous. It is further submitted that respondents no.2 and 3 would be bound by their statements made before this Court.

In view of the above, the present petition is disposed of as having been rendered infructuous. Respondents no.2 and 3 would be bound by their statements made before this Court.

(VIKAS BAHL)
JUDGE

March 02, 2023
Davinder Kumar

Whether speaking / reasoned	Yes/No
Whether reportable	Yes/No